

## AMENDMENTS TO THE CLAIMS

1-8. (cancelled)

9. (currently amended) ~~The cap structure of claim 8, wherein said etch stop layer comprises a nonmagnetic, electrically conductive material~~A cap structure for a magnetic random access memory (MRAM) device, comprising:  
\_\_\_\_\_ a first cap layer formed over a magnetic tunnel junction (MTJ) stack layer;  
\_\_\_\_\_ an etch stop layer formed over said first cap layer, said etch stop layer comprising a nonmagnetic, electrically conductive material;  
\_\_\_\_\_ a second cap layer formed over said etch stop layer; and  
\_\_\_\_\_ a hardmask layer formed over said second cap layer;  
\_\_\_\_\_ wherein said etch stop layer is selected from a material such that an etch chemistry used for removing both said hardmask layer and said second cap layer has selectivity against etching said etch stop layer material.

10. (original) The cap structure of claim 9, wherein said etch stop layer further comprises at least one of: aluminum, copper, platinum, manganese platinum, iridium, iridium manganese, chromium, chromium molybdenum and ruthenium.

11. (original) The cap structure of claim 9, wherein said etch stop layer is removable using an oxygen based etch chemistry.

12. (original) The cap structure of claim 9, wherein:  
said etch stop layer is selected to be corrosion resistant with respect to halogen based etch chemistries; and  
said etch stop layer is further selected to be resistant to post-etch, aqueous cleaning processes.

13. (currently amended) The cap structure of claim 9, wherein said first cap layer further comprises at least one of: tantalum, tantalum nitride and titanium nitride.

14. (original) The cap structure of claim 9, wherein said hardmask layer further comprises at least one of: tantalum, tantalum nitride and titanium nitride.

15-20. (cancelled)